

Submitted March 24, 2010

Approved As of

Date March 24, 2010

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION**  
**MEETING NO. Meeting No. 03-10**  
**Wednesday, January 27, 2010**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, January 27, 2010.

**PRESENT**

**David Hill, Chair**

**Sarah Medearis**

**Steve Johnson**

**Kate Ostell**

**Tracy Pakulniewicz-Chidiac**

**John Tyner II**

**Absent:** Robin Wiener

**Present:** Jim Wasilak, Chief of Planning  
Bridget Newton, Council Liaison  
Marcy Waxman, Assistant City Attorney  
Castor Chasten, Planner III  
Steve Mader, Superintendent of Parks & Facilities

**RECOMMENDATION TO BOARD OF APPEALS**

**Special Exception SPX2010-00382, Eugene Melanson - for an accessory apartment in the R-90 Zone at 825 Duke Street.**

Mr. Chasten presented an overview of the staff report.

Questions from the Commission:

1. How many accessory apartments are in the school district in this subdivision. Mr. Wasilak explained that there are no legal accessory apartments within the College Gardens subdivision.
2. Is the City aware of any problems with accessory apartments being inundated with college

students. Mr. Wasilak explained that there have been issues in the past regarding students renting and sharing units, but not necessarily accessory apartments.

3. Whether previous accessory apartments approved by the City were to accommodate family members, or not. Mr. Wasilak explained.

4. The number of people allowed in an accessory apartment. Mr. Wasilak explained.

5. Why some portions of the City do not have neighborhood plans. Mr. Wasilak explained.

Gene Melanson, 825 Duke Street, presented his request. Mr. Melanson explained his situation and answered questions from the Commissioners.

Commissioner Hill acknowledged for the record that the Commission had received three emails from neighbors expressing their support of this application.

In response to questions regarding accessory apartment requirements.

The following citizens testified:

1. Steve Van Grack, 808 Fordham Street, opposed the application and explained why. It is the precedent it would set for the College Gardens community, and it is not the precedent that they would like to see.

2. Cathy Goldgeier, Columbia Avenue, testified that she was concerned about what the accessory apartment would do to their neighborhood. The concern is the precedent, as there are no accessory apartments in the College Gardens neighborhood and there are many rental opportunities nearby. Ms. Goldgeier further stated that she sensed from one of the public meetings hosted by Mr. Melanson that the neighbors prefer that this accessory apartment not be allowed.

3. Suzanne Fisher, 1206 Princeton Place, testified that she lives diagonally across the street from Mr. Melanson. She stated that they are among the neighbors who are most directly affected. Ms. Fisher stated that she and her husband are very much opposed to this accessory apartment because College Gardens is a single-family neighborhood and she is very concerned about the precedent it would set. She further explained her feelings.

4. Liliane Blom, 1716 Yale Place, testified that she is in support of the application. Ms. Blom stated that she thinks it is a horrible thing that College Gardens is trying to prevent the applicant from staying in his house. Ms. Blom further explained.

5. Harry Thomas, 1121 Lewis Avenue, inquired about the code regulations regarding accessory apartments.

Mr. Melanson clarified that, as a homeowner, he can rent to anyone he prefers and he can also put any restrictions he wants on the tenants. He explained that it was the stove that triggered this

process. Mr. Melanson explained that the previous owner of the house, who rented out the downstairs, was legal because there was only a cook top in the apartment. Therefore, if he left the cook top in the apartment, he would not have had to go through this process.

Commissioner Pakulniewicz-Chidiac questioned Mr. Melanson regarding the size of the accessory apartment.

Commissioner Tyner questioned staff about previously approved accessory apartments and whether they caused any problems in the neighborhoods.

Commissioner Pakulniewicz-Chidiac questioned the applicant as to what he would do if his application were denied and afterward, if a family member were to move in after denial, would that be allowed?

The Commissioners discussed their views with regard to whether this application is in agreement with the City's Master Plan as well as encouraging College Gardens and Woodley Garden residents to focus on a neighborhood plan for their community. Mr. Wasilak explained the procedures with regard to the Zoning Ordinance.

Commissioner Hill commented on the required findings of this special exception, especially the second finding that the proposed use would not adversely affect the health and safety of residents in the area. He further expounded on the finding.

Commissioner Johnson moved, seconded by Commissioner Pakulniewicz-Chidiac to recommend approval of Special Exception SPX2010-00382, Eugene Melanson to the Board of Appeals per staff recommendations and that the Commission finds the special exception is in agreement with the City's Master Plan. The motion passed on a vote of 6-0 with Commissioner Wiener being absent.

## **RECOMMENDATION TO MAYOR AND COUNCIL**

### **Map Amendment MAP2010-00108, Mayor and Council of Rockville - for a change in zoning from R-90 to R-90 (HD) in order to create a historic district at 602 Great Falls Road.**

Before the presentation, the Commission asked questions regarding the procedures without the owner of the property being present this evening and the advantages of designating the subject house. Ms. Ziek explained the procedures of the Map Amendment.

It was said in the staff report attachment that a demolition permit was submitted by the son of the former property owner. The Commission asked staff for clarification. Mr. Wasilak explained that all demolition permits trigger historic review. He further explained that the applicant did not request a demolition permit, but had requested an evaluation to see whether the property was designated historic. The demolition permit cannot be issued without determination as to whether the property is going to be designated. Mr. Wasilak and Ms. Ziek further explained the procedures of historic designation and how the Commission should proceed.

Ms. Ziek presented an overview of the staff report.

Commission Hill noted that there are two letters on the record in support of this application. One from Sharon Duffin and one from Peerless Rockville.

The Commission further discussed the application with regard to the City's Master Plan and why it was not designated historic before this time. Ms. Ziek explained.

Ms. Ziek noted that the owner has maintained this property beautifully for the past three years after his mother passed away. The house, inside, is habitable and needs to be renovated, but it is dry inside and the roof is secure.

After further discussion, Commissioner Pakulniewicz-Chidiac moved, seconded by Commissioner Ostell to recommend Map Amendment MAP2010-00108 to the Mayor and Council. Commissioner Hill offered a friendly amendment that the Commission is implying that it is recommending this application is in agreement with the Master Plan. Commissioner Pakulniewicz-Chidiac accepted the friendly amendment. The motion passed on a vote of 6-0 (Commissioner Wiener was absent).

## **WORKSESSION**

### **Draft Parks, Recreation and Open Space (PROS) Plan - to continue discussion on the Plan, and to develop a recommendation to the Mayor and Council.**

Commissioner Hill provided a history of the draft Parks, Recreation and Open Space (PROS) Plan.

Commissioner Hill summarized the Commission's comments from its last meeting in January 2010.

The Commission discussed acquiring land for parks. Mr. Mader, Superintendent of Parks and Facilities explained land acquisition for pocket parks.

In response to the Commission, Mr. Mader explained that staff has not considered bike paths as open space.

The Commission further discussed concerns regarding the PROS Plan.

As a result of the discussion of the PROS Plan, the Commission discussed their recommendations, with the final vote to take place on February 10, 2010. This would recommend approving the PROS Plan as a policy document regarding goals and objectives for parks and recreation in the City of Rockville for the next twenty years.

## **COMMISSION ITEMS**

## **Chief of Planning Report**

Mr. Wasilak reported that the Commission's next meeting is scheduled for February 10, 2010. Mr. Wasilak also discussed the applications to be presented on the February 10, 2010 agenda.

Mr. Wasilak reported that the Mayor and Council meeting was held at the Twinbrook Community Center Monday, January 25, 2010. He also updated the Commission on the items discussed at that meeting.

## **Old Business**

Commissioner Hill stated that the Planning Commission conducted a retreat on January 20, 2010. Commissioner Hill summarized the Commission's discussion regarding the topics covered in the session.

The Commission discussed their concerns regarding the topics.

The Chestnut Lodge buffer and the former Taylor property were discussed. Mr. Wasilak explained.

## **New Business**

Ms. Swift mentioned that the public can visit the Planning Division to review case files anytime. No appointments are required.

Commissioner Medearis discussed encampments along Gude Drive as well as in other parts of Twinbrook/Aspen Hill areas for makeshift tents that homeless people are creating as alternatives to the homeless shelters. She asked if there was anything from a planning standpoint that the City could look at in order to find out how to manage makeshift camps.

Ms. Swift announced that on March 16, 2010, staff will be conducting its first annual planning academy that will be open to citizens to provide an overview of the department's planning and zoning regulations and procedures. The Commission further discussed the issue.

## **Minutes**

Commissioner Pakulniewicz-Chidiac moved, seconded by Commissioner Johnson to approve Meeting No. 17-09 as amended. The motion passed on a vote of 6-0.

Commissioner Pakulniewicz-Chidiac moved, seconded by Commissioner Medearis to approve the minutes of Meeting No. 19-09 as submitted. The motion passed on a vote of 4-0-2 with Commissioners Johnson and Tyner abstaining.

## **FYI Correspondence**

None

**ADJOURN**

There being no further business to come before the Commission, the Chair adjourned the meeting at 9:41 p.m.

Respectfully Submitted,

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Tyler Tansing, Commission Secretary